

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the amendment of)
ARM 12.3.109, 12.3.110, and)
12.3.111 pertaining to disease)
management)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On September 12, 2017, at 6:00 p.m., the Department of Fish, Wildlife and Parks (department) will hold a public hearing at the Fish, Wildlife and Parks Region 3 Office, 1400 S. 19th Ave., Bozeman, Montana, to consider the proposed amendment of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than September 1, 2017, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

12.3.109 PURPOSE (1) The purpose of these rules is to establish policies and procedures for issuing special hunting licenses and permits and for conducting big game damage hunts and game management seasons, and management removals by hunters addressing the risk of disease transmission.

AUTH: 87-1-201, 87-1-301, MCA
IMP: 87-1-201, 87-1-301, MCA

12.3.110 DEFINITIONS For purposes of these annual regulations:
(1) "Hunting season" means any season set to accomplish one or all of the following:
(a) and (b) remain the same.
(c) to fulfill responsibilities for game damage control (damage season);
(d) to address the risk of disease.
(2) through (4) remain the same.
(5) "Commission" means the Montana Fish, and Wildlife, ~~and Parks~~ Commission.
(6) remains the same.
(7) "Disease" means any disease that may directly or indirectly impact wildlife or wildlife management.
(7) through (16) remain the same but are renumbered (8) through (17).

AUTH: 87-1-201, 87-1-301, MCA
IMP: 87-1-201, 87-1-301, MCA

12.3.111 LICENSE/PERMIT PREREQUISITES (1) ~~Deer~~. All valid resident conservation license holders and all valid nonresident big game (class B-10) and deer combination (class B-11) license holders may apply for deer permits. However, a holder of a B-11 license obtained through a landowner sponsor can only apply for a deer permit where the permitted area includes the landowner sponsor's property and can only use the permit for hunting on the landowner sponsor's property. All valid conservation license holders may apply for deer B licenses. All nonresident conservation license holders who do not possess a B-10 or B-11 license may apply for a nonresident deer A (B-7) license, if available.

(2) ~~Elk~~. Only persons who possess a valid resident A-5 elk license or a valid nonresident class B-10 license may apply for a special elk permit or A-7 license. A person selected to harvest elk as part of disease management must follow specific regulations established for that management action and approved by the area Fish and Wildlife commissioner. These regulations may allow the use of unused elk licenses from the same license year in which the disease management action occurs. No person harvesting elk for disease management may purchase and hold more than one resident A-5/nonresident B-10 license and one antlerless elk license in any license year.

(3) and (4) remain the same.

AUTH: 87-1-201, 87-1-304, MCA
IMP: 87-1-201, 87-1-304, MCA

REASON: In 2016 the Montana Legislative Audit Division conducted a review of brucellosis responsibilities and efforts by the department. The one recommendation is to define agency responsibilities to provide assistance, landowner eligibility to receive assistance, and additional guidance to consistently implement and document brucellosis response actions. FWP partially concurs with the recommendation and is proposing these rule amendments as part of the agency's formal audit response.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Quentin Kujala, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail qkujala@mt.gov, and must be received no later than September 22, 2017.

5. Kaedy Gangstad or another hearing officer appointed by the department has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and

specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

/s/ Martha Williams
Martha Williams
Director
Department of Fish, Wildlife and Parks

Certified to the Secretary of State August 7, 2017.